

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JEAN GERMAIN *

Plaintiff *

v.

* Civil No. JFM-13-382

WEXFORD HEALTH SOURCES, INC., ET AL., *

Defendants. *

* * * * *

DECLARATION

I, Christopher Preston, state as follows:

1. I am a Correctional Officer II employed at North Branch Correctional Institution (NBCI). I am competent to testify and the information provided in this Declaration is based upon my personal knowledge.
2. The record about Jean Germain attached to this Declaration was made by me and its contents are truthful and accurate.

I declare under penalties of perjury that the foregoing is true and correct. Executed on August ___, 2013.



C.O. II Christopher Preston



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
OFFICER'S USE OF FORCE INCIDENT REPORT

(USE CONTINUATION SHEET, AS NEEDED)

DIVISION OF CORRECTION
 DIVISION OF PRETRIAL & DETENTION SERVICES
 DIVISION OF PAROLE & PROBATION
 PATUXENT INSTITUTION

TO: SHIFT COMMANDER/BUREAU CHIEF

DATE OF INCIDENT: 1/17/2013 TIME OF INCIDENT: 7:14 PM A.M. P.M. LOCATION: 1-C-49-S

OFFICER(S) INVOLVED: Lieutenant George McAlpine, Lieutenant Robert Cross, Sergeant Jamie Farris, Officers Christopher Preston, Christopher Robinson, Adam Logsdon, Jeremy Wolford and Joseph Marken

OFFENDER(S)/DETAINEE(S) INVOLVED: Jean Germain #245083 (1-C-49-S)

CHECK IMPLEMENTS OF FORCE USED:

Pepper Spray Pepper Ball Baton Stun Shield K-9
 Chemical Agents Firearm (Revolver, Shot Gun, or Rifle) Hands, Feet, Defensive Holds, Etc.
 Other

DETAILS OF USE AND EFFECT OF USE:

On January 17, 2013, I, Officer Christopher Preston COII was assigned to Housing Unit #1. At approximately 6:55PM, I was instructed by Lieutenant George McAlpine that I would be assigned to a Planned Use of Force Team. I was informed that I would be the first man on the team and assigned to the shield wearing vest #4 and helmet #7. At approximately 7:14 PM, the team approached cell 1-C-49-S, which houses Inmate Jean Germain #245083. Lieutenant McAlpine ordered Inmate Germain to come to the cell door and remove the sheet that was obstructing the security slot, and be placed in handcuffs. Inmate Germain refused the order. Lieutenant Robert Cross used a utility knife to cut and remove the bed sheet that was tied around the security slot. Lieutenant McAlpine continued to order Inmate Germain to come to the door and be handcuffed. Inmate Germain refused to comply. Pepper spray was deployed twice in to the cell by Lieutenant McAlpine. Inmate Germain still refused to

CONTRABAND DISCOVERY/SEIZURE:

N/A

INJURIES SUSTAINED AS A RESULT OF USE: OFFENDER/DETAINEE STAFF OTHER
PERSON(S) REQUIRING MEDICAL AID: Jean Germain #245083 (1-C-49-S)

PERSON(S) REQUIRING MEDICAL AID: _____

PERSON(S) REQUIRING MEDICAL AID: _____

REPORTING OFFICER: _____

DATE: 1/17/13

SIGNATURE

Officer Christopher Preston

PRINT

SUPERVISOR: William Miller
SHIFT: 3-11

RANK/TITLE: Lieutenant

DATE: 1/17/13

SUPERVISOR'S COMMENTS: Report is accurate, complete and consistent with the Investigation of UOF NBCI 13-006.



**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
OFFICER'S USE OF FORCE INCIDENT REPORT
CONTINUATION SHEET**

be handcuffed. The cell door was then opened and the team was ordered to control Inmate Germain. Inmate Germain charged towards the shield, from the opposite side of the cell. Officer Robinson and I pushed Inmate Germain backwards with the shield and to the floor of the cell. Once on the floor, I moved the shield off of Inmate Germain and attempted to physically control him. Inmate Germain rolled back and forth on the floor as I delivered closed fist blows to his torso to contain his actions. Inmate Germain finally complied. Officer Robinson applied handcuffs with the assistance of Officer Logsdon to Inmate Germain. Leg irons were applied by Officer Jeremy Wolford. Inmate Germain was removed from the cell. Officer Robinson and I assisted Inmate Germain to his feet and performed a controlled escorted to the Housing Unit #1 Medical Room where he was examined by Nurse Carla Buck, RN. Following examination, by Nurse Buck, Inmate Germain was escorted to the Housing Unit #1 C/D Holding Cell and strip searched by Officer Robinson, Lieutenant McAlpine and I. No contraband was found. Lieutenant McAlpine asked Inmate Germain if he would like a decontamination shower before going to his cell. Inmate Germain refused a decontamination shower. Inmate Germain was then escorted again by Officer Robinson and I to cell 1-C-2 without further incident.

REPORTING OFFICER: _____ DATE: 1/17/13

SIGNATURE

Christopher Preston COII

PRINT

DATE: 1/17/13

SUPERVISOR: Lieutenant William Miller DATE: 1/17/13
SHIFT: 3-11

SUPERVISORS COMMENTS: Report is accurate, complete and consistent with the Investigation of UOF NBCI 13-006.

CC: Warden, Asst. Warden, Security Chief, Use of Force Files
Use of Force manual Appendix C-2
Page 2 of 2

Revised 06/2007